

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BAHAA S. KALASHO

Plaintiff,

vs.

CIVIL ACTION NO. 04-CV-70859-DT

DISTRICT JUDGE DENISE PAGE HOOD

MAGISTRATE JUDGE DONALD A. SCHEER

PATRICIA CARUSO, et. al.,

Defendants,

_____ /

ORDER GRANTING PLAINTIFF'S MOTION TO FILE AMENDED COMPLAINT

On March 31, 2005, the Court issued a partial judgment on Defendants' Motion for Summary Judgment. The Court dismissed Defendants Hofbauer and Nomellini with prejudice, and further ordered that all personal mail claims against Defendants Caruso, Birkett, Lockwood, McNamara, Williamson, Forshee, Berry and Brethauer be dismissed as well. The Court also dismissed Plaintiff's claims as to legal mail received prior to September 18, 2003, from courts and the Judicial Tenure Commission.

The case was allowed to proceed, however, on the issues of whether Defendants improperly interfered with Plaintiff's legal mail sent to him by his attorney, and by the courts and Judicial Tenure Commission after September 18, 2003. The Court also allowed claims concerning the interference of legal mail from the Prison Legal Services of Michigan and the Attorney General's Office to proceed, but provided that there be a period of discovery to ascertain the facts surrounding any interference with such mail.

This cause was referred back to the Magistrate Judge for a determination on all

pretrial matters, and for a Report and Recommendation on any dispositive motions relating to the remaining issues only. Plaintiff filed a Motion to file a Revised First Amended Complaint, along with a proposed Amended Complaint, on November 29, 2006, incorporating the permitted issues, and seeking to add a party defendant (Docket #69). The First Amended Complaint is hereby deemed filed. The Clerk is ordered to mail Plaintiff copies of the Amended Complaint with summons so that he can effectuate service on the new defendant.

Once service is completed, Defendant Niernberg will be allowed 30 days to file a responsive pleading. If the case survives summary disposition, the Court will facilitate a telephonic conference call for the purpose of allowing the parties to provide a Final Pretrial Order to the Court.

SO ORDERED.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: February 7, 2007

CERTIFICATE OF SERVICE

I hereby certify on February 7, 2007 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on February 7, 2007. **Bahaa Kalasho.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217